

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CORECIVIC OF TENNESSEE, LLC  
Employer

and

Case 28-RC-213154

INTERNATIONAL UNION, SECURITY, POLICE  
AND FIRE PROFESSIONALS OF AMERICA  
(SPFPA)

Petitioner

ORDER

The Employer's request for review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

JOHN F. RING, CHAIRMAN

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

Dated, Washington, D.C., September 6, 2018.

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<sup>1</sup> In denying review, we do not pass on Inman's conduct in the voting room because it is not properly before the Board. Board's Rules & Regulations, Sec. 102.69(a). We agree with the Regional Director's finding that *Nathan Katz Realty, LLC v. NLRB*, 251 F.3d 981 (D.C. Cir. 2001), is distinguishable from this case, but we do not rely on the Regional Director's reasoning. Instead, we rely on the fact that the alleged party conduct in *Katz* took place within an established no-electioneering zone, was contrary to the instructions of a Board agent, and involved the "continued presence" of union agents in an area employees "had to pass" in order to vote. None of these circumstances are present in the instant case.

Member McFerran agrees that *Nathan Katz Realty, LLC* is distinguishable, and therefore finds no need to address whether it was correctly decided.

Member Kaplan notes that many of the issues in this case could have been avoided by the designation and enforcement of a no-electioneering zone. He believes this issue should be addressed in a future appropriate proceeding.